

RECORD FOR CATEGORICAL EXCLUSION

CX-NM-510-2006-0178

SERIAL NO.: NM 107640

BLM Office: Roswell Field Office

Proposed Action Title/Type: Access Road – Cato Road

Location of Proposed Action:

T. 8 S., R. 30 E., NMPM
Section 31, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Section 32, S $\frac{1}{2}$ S $\frac{1}{2}$.

T. 9 S., R. 30 E.,
Section 5, Lots 1 and 2;
Section 6, Lot 3, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Section 20, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$;
Section 28, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$;
Section 29, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$.

T. 10 S., R. 30 E.,
Section 4, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Section 9, W $\frac{1}{2}$ W $\frac{1}{2}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Section 20, E $\frac{1}{2}$ E $\frac{1}{2}$;
Section 21, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Section 29, E $\frac{1}{2}$ NE $\frac{1}{4}$.

DESCRIPTION OF PROPOSED ACTION: MEW Enterprises filed a right-of-way application to maintain and operate an existing off lease dirt road. The roadway will traverse through public lands for approximately 38,280 feet by 30-feet wide with a 14-foot driving surface for 26.36 acres more or less. The road would provide access to service oil and gas leases. The road will be constructed and maintained in accordance with the Roswell District Standard Stipulation for Roads. The road will be located wholly within an existing road, authorized under BLM serial number NMNM-88530.

PART I: PLAN CONFORMANCE REVIEW.

The purposed action is in conformance with the approved Roswell Resource Management Plan (RMP), and is consistent with Bureau policy and guidance.

PART II: NEPA REVIEW

This proposed action qualifies as a categorical exclusion under 516 DM 6, Appendix 5.4, E (12) “Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way”. The proposed action has been reviewed and determined that none of the exceptions described in 516 DM 2, Appendix 2, apply.

Prepared by:

/s/Angel Mayes

8/23/06

Angel Mayes, Realty Specialist

Date

III. DECISION.

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with existing Bureau policy and guidance and that no further environmental analysis is required. It is my decision to allow the right-of-way as described, for 30 years, with an option to renew, under the authority of Title V of the Federal Land Policy and Management Act of 1976, subject to the terms and conditions in 43 CFR 2805; and the attached standard and special stipulations for Access Roads in the Roswell Field Office, BLM.

Compliance and Monitoring: The construction phase of this proposed action and subsequent operational phases will be monitored as per regulation.

/s/Larry D. Bray

8/23/06

Larry D. Bray, Assistance Field Manager
Lands and Minerals

Date

Standard Stipulations

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Right-of-Way Construction Administration

The holder shall contact the authorized officer at least seven (7) days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plans(s) of development.

The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development which was (were) approved and made part of the grant. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.

The holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.

Work Limits

The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

Access to and Along the Right-of-way during Construction

The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flag men/women with communication systems for single-lane roads without visible turnouts, and attended gates for blasting operations.

The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

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Specific sites as identified by the authorized officer (e.g., archaeological sites, areas with threatened and endangered species, or fragile watersheds) where construction equipment and vehicles shall not be allowed shall be clearly marked onsite by the holder before any construction or surface disturbing activities begin. The holder shall be responsible for assuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.

Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized roads used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the authorized officer.

Use of Right-of-way

Except rights-of-way expressly authorizing a road after construction of the facility is completed, the holder shall not use the right-of-way as a road for purposes other than routine maintenance as determined necessary by the authorized officer in consultation with the holder.

No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of three inches deep, the soil shall be deemed too wet to adequately support construction equipment.

Maintenance of Right-of-Way

The holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. (A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation and surfacing).

Cultural and Paleontological Resources

Any cultural and/or Paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

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Waste Disposal

Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

Noxious Weed

Clean all equipment (power or high pressure cleaning) of all mud, dirt, and plant parts before moving equipment into relatively weed-free areas.

Gravel and fill to be used in relatively weed-free areas must come from weed free sources. Inspect gravel pits and fill sources to identify weed-free sources.

The holder will be responsible for control of noxious weed on all access road and project sites. The holder will be responsible for conducting a noxious weed survey to identify (a) noxious weed species present, (b) locations of infestations, (c) Acreage infested, and (d) density of plants.

Termination

Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, re-contouring, top soiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

**SPECIAL STIPULATIONS FOR PERMANENT RESOURCE ROADS
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The holder/grantee/permittee shall hereafter be identified as the holder in these stipulations. The Authorized Officer is the person who approves the Application for Permit to Drill (APD) and/or Right-of-Way (ROW).

GENERAL REQUIREMENTS

The holder shall minimize disturbance to existing fences and other improvements on public domain surface. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will make a documented good-faith effort to contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence.

Holder agrees to comply with the following stipulations:

1. ROAD WIDTH AND GRADE

The road will have a driving surface of 14 feet (all roads shall have a minimum driving surface of 12 feet, unless local conditions dictate a different width). The maximum grade is 10 percent unless the box below is checked. Maximum width of surface disturbance from construction will be 30 feet.

☐ Those segments of road where grade is in excess of 10% for more than 300 feet shall be designed by a professional engineer.

2. CROWNING AND DITCHING

Crowning with materials on site and ditching on one side of the road on the uphill side will be required. The road cross-section will conform to the cross section diagrams in Figure 1. If conditions dictate, ditching may be required for both sides of the road; if local conditions permit, a flat-bladed road may be considered (if these conditions exist, check the appropriate box below). The crown shall have a grade of approximately 2% (i.e., 1" crown on a 12' wide road).

☐ Ditching will be required on both sides of the roadway as shown on the attached map or as staked in the field.

☐ Flat-blading is authorized on segment(s) delineated on the attached map.

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3. DRAINAGE

Drainage control shall be ensured over the entire road through the use of borrow ditches, out sloping, in sloping, natural rolling topography, lead-off (turnout) ditches, culverts, and/or drainage dips.

A. All lead-off ditches shall be graded to drain water with a 1 percent minimum to 3 percent maximum ditch slope. The spacing interval for lead-off ditches shall be determined according to the following table, but may be amended depending upon existing soil types and centerline road slope (in %):

SPACING INTERVAL FOR TURNOUT DITCHES

Percent slope	Spacing interval
0% - 4%	400' - 150'
4% - 6%	250' - 125'
6% - 8%	200' - 100'
8% - 10%	150' - 75'

A typical lead-off ditch has a minimum depth of 1 foot below and a berm 6 inches above natural ground level. The berm will be on the down-slope side of the lead-off ditch. The ditch end will tie into vegetation whenever possible.

For this road the spacing interval for lead-off ditches shall be at

☐ 400 foot intervals.

☐ ____ foot intervals.

☐ locations staked in the field as per spacing intervals above.

☐ locations delineated on the attached map.

B. Culvert pipes shall be used for cross drains where drainage dips or low water crossings are not feasible. The minimum culvert diameter must be 18 inches. Any culvert pipe installed shall be of sufficient diameter to pass the anticipated flow of water. Culvert location and required diameter are shown on the attached map (Further details can be obtained from the Roswell District Office or the appropriate Resource Area Office).

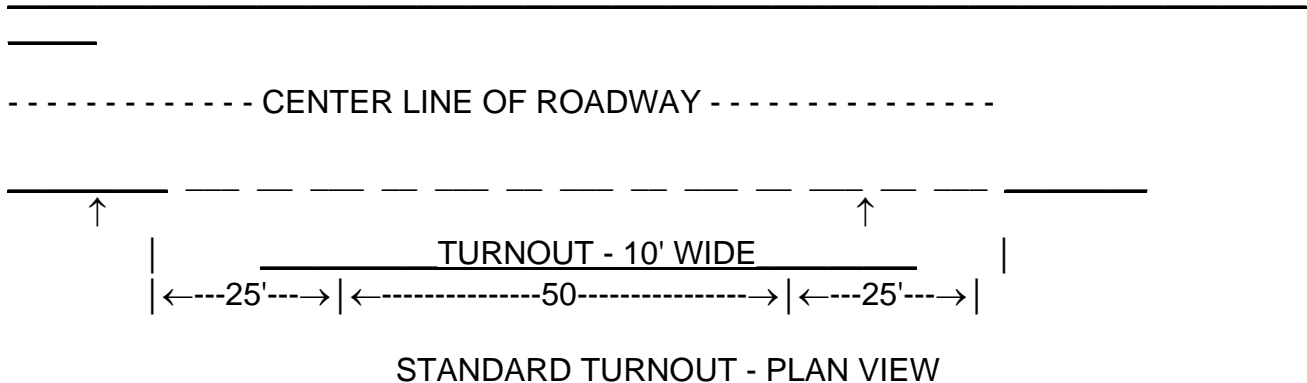
C. On road slopes exceeding 2%, drainage dips shall drain water into an adjacent lead-off ditch. Drainage dip location and spacing shall be determined by the formula:

$$\text{spacing interval} = \frac{400'}{\text{road slope in \%}} + 100'$$

Example: 4% slope: spacing interval = 400 + 100 = 200 feet

EXHIBIT C

4. TURNOUTS



5. SURFACING

Surfacing of the road or those portions identified on the attached map may, at the direction of the Authorized Officer, be required, if necessary, to maintain traffic within the right-of-way with caliche, gravel, or other surfacing material which shall be approved by the Authorized Officer. When surfacing is required, surfacing materials will be compacted to a minimum thickness of six inches with caliche material. The width of surfacing shall be no less than the driving surface. Prior to using any mineral materials from an existing or proposed Federal source, authorization must be obtained from the Authorized Officer.

6. CATTLEGUARDS

Where used, all cattleguard grids and foundation designs and construction shall meet the American Association of State Highway and Transportation Officials (AASHTO) Load Rating H-20, although AASHTO U-80 rated grids shall be required where heavy loads (exceeding H-20 loading), are anticipated (See BLM standard drawings for cattleguards). Cattleguard grid length shall not be less than 8 feet and width of not less than 14 feet. A wire gate (16-foot minimum width) will be provided on one side of the cattleguard unless requested otherwise by the surface user.

7. MAINTENANCE

A. The holder shall maintain the road in a safe, usable condition. A maintenance program shall include, but not be limited to blading, ditching, culvert installation, culvert cleaning, drainage installation, cattleguard maintenance, and surfacing.

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B. The holder shall be held responsible if noxious weeds become established within the area. Evaluation of growth of the noxious weeds shall be made upon discovery. Weed control will be required on the disturbed lands resulting from this actions, which include the roads, pads and associated pipelines and on adjacent lands affected by the establishment of weeds due to this action.

C. The holder shall insure that the equipment and or vehicles that will be used to construct, maintain and administer the access roads, well pad, and resulting well are not polluted with invasive and noxious weed seeds. Transporting of invasive and noxious weed seeds could occur if the equipment and vehicles were previously used in noxious weed infested areas. In order to prevent the spread of noxious weeds, the Authorized Officer shall require that the equipment and vehicles be cleaned with either high pressure water or air prior to construction, maintenance and administration of the access roads, well pad, and resulting well.

8. PUBLIC ACCESS

Public access along this road will not be restricted by the holder without specific written approval being granted by the Authorized Officer. Gates or cattleguards on public lands will not be locked or closed to public use unless closure is specifically determined to be necessary and is authorized in writing by the Authorized Officer.

9. CULTURAL RESOURCES

Any cultural and/or Paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on the holder's behalf, on public or Federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the authorized officer after consulting with the holder.

ROAD REHABILITATION SPECIFICATIONS

Unless the Bureau of Land Management (BLM) elects to accept the road and its future maintenance and rehabilitation and releases the Authorized User therefrom, all Bureau roads determined "as not needed" by Authorized User and Authorized Officer will be reclaimed to approximate natural contours. Roads with significant cuts will have fill material placed back onto cut sections using care not to mix topsoil with base material. Any improvements and debris must be removed, unless approved otherwise by the Authorized Officer.

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Roads will have the roadbeds ripped, scarified and otherwise roughened as directed by the BLM to ensure increased water infiltration and a properly prepared seedbed. In those cases where surfacing materials have been applied to the road, particularly in the case of caliche, BLM may require the operator to remove the cliché and deposit it in a pit, or stock pile it for reuse by the operator on other roads for which they are responsible.

Parallel-road Berms will be removed and recontoured. Berms or gates will be used to block access to the rehabilitated road. Water bars will be used on sloping surfaces as shown below:

Grade	Spacing
2%	200 ft.
2-4%	100 ft.
4-5%	75 ft.
+ 5%	50 ft.

The rehabilitated areas will be seeded as directed by the BLM. The rehabilitation responsibility of an Authorized User terminates upon acceptance of the rehabilitation site by the Authorized Officer or his designated field representative.

Roads determined "as not needed" by the Authorized Users will be rehabilitated and closed in accordance with existing grant stipulations or, if none exist, with current BLM policy and regulations. If BLM determines that the road is still needed for other purposes, it shall notify the Authorized Users in writing of its determination. The BLM shall assume the responsibility for further maintenance and repair of the road and eventual rehabilitation. Where there are multiple Authorized Users for an existing road, the release by an Authorized User of his authorized use of the road, and acceptance thereof by BLM, shall relieve said Authorized User of any responsibility for maintenance and repair of the road and eventual rehabilitation after effective date of acceptance by BLM.